



THE CITY OF NEW YORK
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February 1, 2016

BY ECF

Honorable Denise Cote
United States District Judge
Southern District of New York
500 Pearl Street, Room 1610
New York, New York 10007

Re: Victor Encarnacion and The Bronx Defenders v. City of New York, 16 CV
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Dear District Judge Cote:

I am an attorney in the office of Zachary W. Carter, Corporation Counsel of the City of New York, counsel for defendant the City of New York in the above-referenced action. Defendant respectfully requests that its time to respond to the Complaint be extended thirty-seven days from February 3, 2016 to March 11, 2016.

The Complaint claims that Mr. Encarnacion's federal civil rights were violated when the New York City Police Department ("NYPD") property clerk did not return cash and a phone that were initially seized by NYPD and held as arrest evidence in connection with his arrest, even after the criminal proceeding against him was dismissed. The Bronx Defenders also allege that they have also encountered difficulties retrieving property previously classified as arrest evidence for other similarly situated clients after the termination of a criminal proceeding. In order to respond to the Complaint, the defendant must gather and review agency documents and confer with the relevant City employees. Thus, in keeping with this Office's obligations under Rule 11 of the Federal Rules of Civil Procedure, the defendant needs additional time to investigate the allegations set forth in the Complaint.

This is the defendant's first request for an extension of time to respond to the Complaint. I have reached out to plaintiffs' counsel and requested a 60 day extension of time. However, I have obtained consent only for a thirty-seven day extension of time. Accordingly, we respectfully request that the defendant's time to respond to the Complaint be extended to March 11, 2016. This extension request does not affect any conferences scheduled pursuant to a

Scheduling Order. However, March 11, 2016 is also the date that the Initial Pretrial Conference is scheduled to take place.

Thank you for your consideration of this request.

Respectfully submitted,


Aviva Y. Horowitz (AH 3654)

cc: THE BRONX DEFENDERS
Marianna (Molly) Kovel, Esq. (by e-mail)
Adam N. Shoop, Esq. (by e-mail)
Johanna B. Steinberg, Esq. (by e-mail)